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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Replacement of Part 90 by Part 88)
to Revise the Private Land Mobile)
Radio Services and Modify the)
Policies Governing Them)
)
and)
)
Examination of Exclusivity and)
Frequency Assignment Policies of)
the Private Land Mobile Radio Services)

PR Docket No. 92-235

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REPLY COMMENTS OF AERONAUTICAL RADIO, INC.

Aeronautical Radio, Inc. (ARINC), by its attorneys, hereby submits this reply to the opening comments filed in response to the Further Notice of Proposed Rule Making recently adopted by the Commission in the above-captioned docket.¹

As discussed in ARINC's opening comments, ARINC and the air transport industry generally support the Commission's efforts to formulate technical and operational rules that will promote efficient use of private land mobile radio (PLMR) spectrum.² In its comments, ARINC suggested, however, that effective and efficient

¹ Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services, 10 FCC Rcd 10076 (1995).

² ARINC provides the secretariat function for the Aeronautical Frequency Committee (AFC), an industry committee comprised of the Aircraft Owners and Pilots Association (AOPA), the Helicopter Association International (HAI), National Business

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use of the air terminal use (ATU) allocation will be maximized if the Commission recognizes that the "shared exclusivity" currently authorized to air carriers' on the ATU channels has resulted in spectrum efficiency without the need for additional frequency management devices, such as spectrum fees and auctions. In addition, ARINC and the air transport industry requested that ARINC be appointed sole frequency coordinator for the ATU channels because ARINC is uniquely familiar with ATU operations and, as such, is best qualified to ensure that the communications needs of all ATU users are met, while ensuring a reasonable and prompt transition to narrower bandwidths or other spectrum efficient techniques, such as wide-band TDMA operation.

After reviewing the opening comments, ARINC remains convinced that its original suggestions are essential to the continued success of ATU operations. In addition, ARINC recommends that the effective use of ATU frequencies will be further promoted if the Commission takes steps to ensure that the transition to narrower channel spacings will not disrupt airline incumbents' low power operations on the ATU offset channels. In particular, ARINC and the air transport industry urge the Commission to designate ARINC sole coordinator of operations on the ATU offset channels as well. Relatedly, the Commission should require all new low power

²(...continued)

Aircraft Association (NBAA), American Airlines, America West Air Lines, Continental Airlines, Delta Airlines, Federal Express, Northwest Airlines, TransWorld Airlines, United Airlines, United Parcel Service, and USAir. The AFC has actively participated in the formulation of ARINC's comments and this reply.

operations permitted in the ATU frequency band to be licensed in accordance with the present rule limiting use of the ATU frequencies for such purposes to areas 10 or more miles from the airports listed in Section 90.75(c)(25) of the rules, and should permit such operations on a secondary, non-interference basis only.

I. The Commission Must Ensure That Incumbent Low Power ATU Operations Are Given Adequate Protection During the Transition to Narrower Channel Spacings.

ARINC agrees with those commenters who suggest that the Commission should take steps to ensure that the transition to narrower channel spacings will not hamper effective operation of incumbent low power systems.³ As discussed in ARINC's opening comments, airlines have intensively used the ATU frequencies and, due to the limited number of these channels, have also made extensive use of the "local control" Business Radio frequencies and the low power offset channels. ARINC believes that operations on the offset frequencies should be protected. To this end, ARINC has worked with the industry to develop a number of suggestions aimed at safeguarding the integrity of existing low power ATU operations. These suggestions are discussed in turn below.

At the outset, as set forth in detail in ARINC's opening comments, ARINC and the air transport industry request that ARINC be designated sole coordinator of all

³ See, e.g., Comments of the Land Mobile Communications Council (LMCC), PR Docket No. 92-235, at 13 (filed Nov. 20, 1995).

ATU channels, including the new ATU narrowband frequencies. ATU operations are currently limited to low power functions -- most operations at the airports are conducted with low power portables and the Commission's rules limit operations on the ATU frequencies to 3 watts.⁴

Because the architecture of airports demands that ATU systems be engineered-in on the basis of numerous variables, it is essential that a single entity with a full understanding of the ATU environment exercise responsibility for frequency coordination activities involving ATU channels. As discussed in ARINC's comments, allowing more than one entity to coordinate these frequencies creates a substantial risk that the respective coordinators will not understand, or be able to protect, prior assignments.⁵

Furthermore, effective and efficient use of the ATU channels, including the new splits in the ATU band, will be maximized if a single coordinator familiar with the ATU environment -- namely, ARINC -- is designated to perform all ATU coordination activities. In particular, because of ARINC's ongoing involvement with ATU communications, it is the entity most capable of ensuring that ATU spectrum is used efficiently while at the same time devising a transition plan suitable for each ATU licensee. Accordingly, ARINC and the air transportation industry request the

⁴ See 47 C.F.R. § 90.75(c)(31).

⁵ See Comments of Aeronautical Radio, Inc., PR Docket No. 92-235, at 12-16 (filed Nov. 20, 1995).

Commission to designate ARINC sole coordinator for ATU operations in and around airports, including operations on the ATU offset channels. For the reasons set forth above, ARINC and the air transport industry urge the Commission not to allow frequency coordinators other than ARINC to service coordination requests involving the ATU channels.⁶

As an additional method for protecting ATU communications, ARINC and the air transport industry urge that, if the Commission decides to use the ATU frequency band to create a "home" for low power operations, all such operations continue being required to comply with the present protection permitting low power stations only in areas 16 kilometers or more (10 miles or more) from the airports listed in Section 90.75(c)(25) of the rules, 47 C.F.R. § 90.75(c)(25). This limitation was designed to ensure air carrier access to ATU frequencies in areas in and around airports and is an essential component of safe and effective air terminal operations.

ARINC also suggests that all non-ATU low power devices in the ATU frequency band be required to operate on a secondary, non-interference basis to primary ATU communications. Similarly, to allow efficient detection of interference-causing devices, all low power operations on the ATU channels should be licensed and should be required to comply with station identification obligations.

⁶ If other frequency coordinators are permitted to coordinate assignments for the ATU channels, a standard centralized database maintained by the FCC and accessible to the public should be mandatory.

Finally in this connection, although ARINC sympathizes with Hewlett-Packard Company's concerns regarding the impact of the transition on very low power operations, such as medical telemetry, ARINC does not believe that sufficient justification exists to support Hewlett-Packard's request that 2.5 MHz of scarce PLMR spectrum be set aside for very low power use.⁷ The Commission has actively been pursuing appropriate spectrum homes for medical telemetry and, in light of the agency's other proposals in this regard, Hewlett-Packard's requested allocation involving PLMR frequencies cannot be justified.⁸

II. Competitive Coordination Will Not Serve the Public Interest.

In its opening comments, ARINC advised the Commission that the air transport industry prefers designation of ARINC as sole coordinator of the ATU channels over the Commission's proposal to authorize numerous competing and conflicting frequency coordinators.⁹ ARINC discussed the industry's view that competitive coordination of the ATU channels will not serve the needs of the airlines or the traveling public because the incentives of the coordinators will be contrary to the efficient use of the

⁷ See Letter from Hewlett-Packard Company to William F. Caton, Acting Secretary, Federal Communications Commission (Nov. 20, 1995).

⁸ For example, the Commission recently proposed to amend Part 15 to expand the available frequencies and increase permitted power for unlicensed biomedical telemetry devices using VHF and UHF television channels. See News Release, Report No. DC 95-139 (Dec. 8, 1995).

⁹ See Comments of Aeronautical Radio, Inc., PR Docket No. 92-235, at 15-16 (filed Nov. 20, 1995).

ATU channels. ARINC and the air transport industry remain firmly committed to this view and reiterate their request that the Commission not allow competitive coordination of the ATU frequencies.

The only potential benefit of competitive coordination -- competitive pricing -- is likely to undermine effective ATU communications and result in poorer service quality because coordinators will be rewarded for assigning the greatest number of users to a channel, not for ensuring that assignments are compatible. In such an environment, the most popular coordinator among new applicants will be the one that recommends the highest number frequency assignments at the best price -- without regard to the limitations necessary to minimize the impact on existing licensees. The end result will be a loss of the benefits and the very purpose of coordination.

In the context of the ATU allocation, where communications systems must be engineered-in on the basis of numerous interdependent variables, the concept of competing coordinators is particularly troubling because it may undercut not only the efficient use of scarce spectrum, but also the reliability of communications crucial to the safety and welfare of the traveling public. Accordingly, ARINC and the air transport industry reiterate their request that competitive coordination not be allowed where the ATU frequencies are concerned.

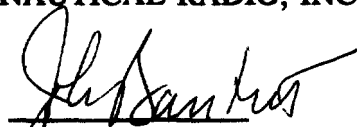
III. Conclusion

Because the air transportation industry depends heavily on land mobile communications in and around airports to facilitate effective and timely airplane arrivals and departures and as a means for ensuring the health and safety of the traveling public, the industry is highly supportive of FCC efforts to correct the shortcomings in available spectrum allocations. As discussed in ARINC's opening comments and in this reply, efficient use of PLMR spectrum and the effectiveness of ATU communications will be maximized if the Commission designates a single frequency coordinator for the ATU channels and the ATU offset frequencies that is familiar with the unique communications requirements at, and in the vicinity of, air terminals and does not adopt its proposal for multiple coordinators for the same frequencies.

Respectfully submitted,

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